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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,653	01/30/2001	Peter J. Perley	CTM003/JTN	8167

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CANADA

EXAMINER

THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,653

Applicant(s)

PERLEY ET AL.

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/30/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-26 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 states "the cash position of the borrower" in line 6. There is no antecedent basis for "the borrower." Correction is required.

Dependent claims 7-12 depend from dependent claim 6, a rejected claim.

Therefore, dependent claims 7-12 are also rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5, 13-15, and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman et al. (U.S. Patent No. 6,671,673), and further in view of Lewis (U.S. Patent No. 6,513,019).

Claims 1,21: Baseman et al. teaches:

- providing a software system for monitoring a cash position of the business, said software system including one or more predetermined limits defined by the financial capacity of the business (Abstract; col. 6 lines 33-61; col. 20 lines 39-58);
- permitting said software system to periodically connect to the electronic records to receive updated transaction information to calculate a current cash position (col. 6 lines 33-61; col. 8 line 43 – col. 9 line 5);
- calculating a cash position of the business in respect of a proposed transaction by the business (col. 5 line 66 – col. 6 line 61; col. 8 line 51 – col. 9 line 5);
- calculating a permitted cash position based on said updated transaction information and said one or more limits defined by said financial capacity (col. 6 lines 33-61; col. 8 line 43 – col. 9 line 5; col. 20 lines 15-35);
- comparing the calculated cash position of the business after said proposed transaction to said permitted cash position (col. 2 line 65 – col. 3 line 17); and

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Baseman et al. does not explicitly teach providing an indication of whether the proposed transaction will cause the business to fall outside of any of said limits defined by said financial capacity. However, Lewis teaches providing an indication of whether the proposed transaction will cause the business to fall outside of any of said limits defined by said financial capacity (Lewis- col. 5 lines 56-61). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Baseman et al. to explicitly provide an indication of whether the proposed transaction will cause the business to fall outside of any of said limits defined by said financial capacity, as taught by Lewis, for the motivation of managing information relating to a financial capacity of a business.

Claims 2, 3, 23: Baseman et al. does not explicitly teach providing an electronic message to a specified business manager or a specified party outside of the business. However, Lewis teaches providing an electronic message to a specified business manager or a specified party outside of the business (col. 5 line 56 – col. 6 line 6). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Baseman et al. to explicitly provide an electronic message to a specified business manager or a specified party outside of the business, as taught by Lewis, for the motivation of managing information relating to a financial capacity of a business.

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Claim 4: Baseman et al. does not explicitly teach said specified outside party includes one or more of a capital provider or a debt provider. However, Lewis teaches (at col. 5 lines 56-61) *It is yet another object of the present invention to proactively alert users and other applications when a situation occurs that warrants immediate attention. For example, alert the appropriate users and applications that as the result of a transaction, market change, or customer/counterparty change, a financial threshold or limit has been breached.* This teaching encompasses include notification to one or more of a capital provider or a debt provider. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Baseman et al. to explicitly notifying one or more of a capital provider or a debt provider, as taught by Lewis, for the motivation of managing information relating to a financial capacity of a business.

Claim 5: Baseman et al. teaches said software system connects to the electronic records and calculates a current cash position in response to a request for approval for said proposed transaction (col. 8 line 43 - col. 9 line 56).

Claim 13: Baseman et al. teaches calculating said permitted cash position further includes the steps of calculating operating criteria (col. 6 lines 33-61; col. 8 line 43 – col. 9 line 5).

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Claim 14: Baseman et al. teaches projecting future cash flow requirements over a predetermined period in light of said proposed transaction (col. 5 line 66 – col. 6 line 61; col. 17 lines 25-44).

Claim 15: Baseman et al. teaches projecting future cash flow requirements includes projecting expenses and income over the predetermined period having regard to previous years' expenses and incomes for an equivalent period to said predetermined period (col. 8 line 43 – col. 9 line 5).

Claim 17: Baseman et al. teaches (at col. 20 lines 47-58) *Particularly in cases where customer demand exceeds production capacity, tactical customer selection can also be used to exploit changes in foreign exchange rates to dynamically choose customers in order to (1) increase revenues, or (2) reduce taxes. For example, these goals can be accomplished by: (1) dynamically shifting sales to customers in markets having the highest prices for the manufactured products; and (2) assessing the impact of foreign exchange on local profit margins, then dynamically shifting sales of low margin products to high tax jurisdictions, and shifting sales of high margin products to low tax jurisdictions.* Examiner asserts that the teachings of Baseman et al encompass calculating tax cash disbursements, and other types of cash disbursements in addition to taxes.

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Claim 18: Baseman et al. teaches varying one or more assumptions relating to said financial capacity and calculating a revised permitted cash position (col. 12 line 52 – col. 13 line 10).

Claim 19: Baseman et al. teaches (at col. 6 lines 37-61) *According to the invention, a strategic business plan is generated to assist decision-making, and to closely monitor various performance measures of an enterprise by extending supply chain management using financial management considerations. The method uses information and models derived from at least one of the following planning processes: Supply chain management--designing a supply chain model for a firm utilizing firm-specific information including strategic objectives, a desired level of risk, market position of the firm and industry competitive landscape; extended demand planning--determining which customer demands to fulfill, and when to fulfill them, while factoring in demand uncertainty, capacity and time constraints; inventory management--developing inventory policies to service stochastic customer demand, using information related to service targets, budgets, stock out probabilities and costs and demand fulfillment rates; procurement planning--mitigating foreign exchange risk by considering the firm's global foreign exchange position using vendor selection, thereby reducing foreign exchange exposures; and production planning--dynamically shifting production in coordination with procurement planning to locations with weak currencies, thereby reducing production costs. This disclosure encompasses providing a data extraction module to permit the software system to extract appropriate financial information from the electronic records.*

Claim 20: Baseman et al. does not explicitly teach marking a transaction document to certify payment approval for a recipient. However, Baseman et al does teach (at col. 9 lines 44-56) *Optimal inventory policies should seek not only to meet demand requirements, but also to align the timing of cash outflows with the firm's global cash position. For example, if cash is constrained, reordering might be deferred for certain products. This would help minimize borrowing, and reduce liquidity requirements. In addition, the timing of cash inflows from product sales does not typically correspond precisely with the booking of a sale, since customers frequently delay payments. For certain product lines, and for certain customer sets, there may be consistent patterns in the timing of payments. The impact of these delays on product profitability should be considered when determining optimal inventory policies.* Therefore, examiner asserts that this disclosure encompasses applicant's claim language of marking a transaction document to certify payment approval for a recipient.

Claim 22: Baseman et al. does not explicitly teach a graphical user interface which indicates whether the proposed transaction is permitted, denied, or allowed but brings the enterprise close to a financial capacity limit. However, Lewis teaches said communication module includes a graphical user interface which encompasses indicating whether the proposed transaction is permitted, denied, or allowed but brings the enterprise close to a financial capacity limit (col. 6 lines 7-24). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify

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the teaching of Baseman et al. to explicitly teach a graphical user interface which indicates whether the proposed transaction is permitted, denied, or allowed but brings the enterprise close to a financial capacity limit, as disclosed by Lewis, for the motivation of managing information relevant to a financial capacity of a business.

Claim 24: Baseman et al. teaches a 'what if' scenario generator for permitting certain hypothetical events to be entered and evaluated by the software system (col. 4 lines 37-44).

Claim 25: Baseman et al teaches a future cash position calculation module for evaluating future cash flow in light of a proposed transaction (col. 5 line 66 – col. 6 line 61; col. 17 lines 25-44).

Claim 26: Baseman et al does not explicitly teach a marker for certifying approval of said proposed transaction on a payment record. However, Lewis teaches a marker for certifying approval of said proposed transaction on a payment record (col. 14 lines 12-31). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Baseman et al. to explicitly teach a marker for certifying approval of said proposed transaction on a payment record, as taught by Lewis, for the motivation of managing information relevant to a financial capacity of a business.

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7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman et al. (U.S. Patent No. 6,671,673), and further in view of Lewis (U.S. Patent No. 6,513,019) and Official Notice.

Claim 16: Baseman et al. does not explicitly teach projecting future cash flow requirements includes the step of comparing said future cash position to one or more lender covenants. However, Official Notice is taken that businesses consider lender covenants when projecting future business objectives and financial requirements. Businesses traditionally plan ahead for business requirements that must be met when scheduling production/delivery events, including monetary requirements for conducting business. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Baseman et al. to explicitly teach projecting future cash flow requirements includes the step of comparing said future cash position to one or more lender covenants, as taught by old and well known art, for the motivation of managing information relating to a financial capacity of a business.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

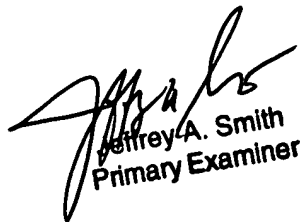
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FT

22 January 2004


Jeffrey A. Smith
Primary Examiner